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EXAMINER	
DUBASKY, GIGI L	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	**Application No.** 10/681,949	**Applicant(s)** FISH ET AL.	
	Examiner GIGI L. DUBASKY	**Art Unit** 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 October 2011_.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) _2-6,12,13,15-27 and 43-53_ is/are pending in the application.
 5a) Of the above claim(s) _____ is/are withdrawn from consideration.
6)☐ Claim(s) _____ is/are allowed.
7)☒ Claim(s) _2-6,12,13,15-27 and 43-53_ is/are rejected.
8)☐ Claim(s) _____ is/are objected to.
9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.
11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a)☐ All b)☐ Some * c)☐ None of:
  1.☐ Certified copies of the priority documents have been received.
  2.☐ Certified copies of the priority documents have been received in Application No. _____.
  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Claims 1, 7-11, 14 and 28-42 have been cancelled.

Claims 47-53 have been newly added.

Claims 2-6, 12-13, 15-27 and 43-53 are pending.

1. Applicant's arguments in the Remarks filed on 10/03/2011 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 12-13, 15-22, 43 and 53 are objected to because of the following informalities:

Claim 12 recites “analof format” at line 17 which appears to be a typo.

Claim 18 recites “The computer system of claim 13” at line 1 which should be amended to --The system of claim 13-- to be consistent.

Claim 43 recites “The apparatus of claim 18” at line 1 which should be amended to --The system of claim 18-- to be consistent.

Claim 53 recites “The method of claim A” at line 1 which appears to be a typo. For purpose of examination, examiner analyzes this claim as a dependent claim of claim 47.

All other dependent claims of claim 12 are objected the same.

Appropriate corrections are required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-6, 12-13, 15-27 and 43-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (herein -APA- in the Applicants' specification and Figure 1) in view of Lang (US 5164839) and further in view of Salmonsen (US 2007/0005334).

Regarding claim 12, the APA discloses a system for automatically creating a copy of a program from a digital video recorder (Figure 1 of APA), said digital video recorder generating a control signal wirelessly to a separate external device remote from said digital video recorder indicating the commencement or conclusion of playback the program by said digital recorder for the recording or presenting of said program by said separate external device, said digital video recorder selectively outputting said program in an analog format (¶ [0002]-[0003] and ¶ [0020]-[0021] in the Applicants' specification for PVR 102 ("digital video recorder") generates a control signal "Save to VCR" to a VCR 104 ("separate external device") remote from PVR 102 to begin recording automatically by using a IR Blaster 112 (“wirelessly) to start or stop the VCR 104 through its infrared remote control input, and the PVR 102 passes an analog program to the VCR 104 to be recorded).

The APA fails to disclose a digitizer that is separate from the video recorder and the external device, said digitizer having a receiver intercepting on a wireless channel said control signal and an analog-to-digital video converter receiving said program in an analog format in response to said control signal and digitizing said program in an analog format and converting said program in an analog format into a converted program; and a storage/distribution device selectively storing and distributing the digitized video signal and the digitized audio signal.

Lang discloses a system (Figure 3) for intermediate storage of audio/video program in digital memory to be transferred from one storage medium to another (Col 2 lines 19-23). Lang's system in Figure 3 comprises a VCR-ET 60 (as a “digitizer”) which is separate from AVRU 11 (Col 11 lines 9-11) and an external device, i.e., a TV or another VCR (Col 8 lines 44-50). Lang discloses the AVRU 11 generates all command signals to the VCR-ET 60, e.g. record, play, rewind, fast-forward... as the conventional VCR (Col 3 lines 56-58), start/stop a transmission, editing stored programs, etc. according to receiving user's input commands by means of a light pen, a mouse or a keyboard and a control panel (Col 6 lines 62-65, Col 7 lines 4-5, Col 9 lines 14-22 and Col 10 lines 18-20). The VCR-ET 60 has an analog-to-digital video converter (A/D in Figure 3) for receiving, digitizing and converting an analog program, including audio video signals (Col 8 lines 45-50), into a converted program in a digital format and a storage/distribution device (memory 13 in Figure 3) selectively storing and distributing the digitized video signal and the digitized audio signal (Col 10 lines 3-10, Col 11 lines 24-40 and Col 12 lines 12-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of the APA with a separated digitizer for receiving, digitizing a received program in analog format and selectively storing or distributing the digitized program according to the user's command input signal as taught by Lang, so to provide an effective and efficient means for intermediate digital storage of digitized audio video program to be transferred to another device or to remote locations (taught by Lang; Col 2 lines 19-28).

Salmonsen discloses a system of distributing audio video programs from a content source device to a sink device having an emulator device between the content source and sink devices for intercepting control signals and data signals communicated by the content source device (¶ [0146]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the digitizer of the combined system of the APA and Lang with the capability of intercepting control signals and data signals communicated between the content source device and the sink device as the emulator device taught by Salmonsen, so to provide an improved system of copying an analog program into a digital format in an automatic manner.

Regarding claims 13 and 15-16, the APA in view of Lang and further in view of Salmonsen discloses the method as discussed in the rejection of claim 12. The combined system further discloses said program in an analog format includes an analog video component and an analog audio component (taught by Lang; Col 12 lines 12-18; also taught by Salmonsen; ¶ [0034]); wherein said digitizer includes a video section converting said analog video component into a corresponding digitized video signal and an audio section converting said analog audio component into a corresponding digitized audio signal (taught by Lang; Col 10 lines 3-10, Col 11 lines 24-40 and Col 12 lines 12-33), further comprising a first compression unit that compresses the digitized video signal to produce a compressed digitized video signal, and a second compression unit for compressing the digitized audio signal to produce a compressed digitized audio signal, and the compression unit is computer based software utilizing at least one video compression algorithm and augmented by an electronic circuit that accelerates the at least one video compression algorithm (taught by Lang; compressing and decompressing unit 26 in Figures 2-3; and Col 5 lines 16-39. It is obvious that the unit 26 is a computing component with an electronic circuit and runs by software utilizing at least one video compression algorithm).

Regarding claim 17, the APA in view of Lang and further in view of Salmonsen discloses the method as discussed in the rejection of claim 13. The combined system further discloses a transmitter for transmitting the digitized video signal and the digitized audio signal (taught by Lang; see audio/video transceiver 22 in Figures 2-3).

Regarding claims 18-20, the APA in view of Lang and further in view of Salmonsen discloses the method as discussed in the rejection of claim 13. The combined system further discloses a network interface subsystem (Lang's transceiver 22 must includes a network interface) for sharing the digitized video signal and the digitized audio signal with other computer systems on a computer network as client-server or peer-to-peer network configuration (taught by Lang; Col 8 lines 60-68, Col 11 lines 51-59 and Col 12 lines 25-27 for transmitting audio/video in digital form over a telephone line network, over a fiber optic or a microwave network in satellite system respectively; and Col 10 lines 33-40 and Col 12 lines 25-37 for sharing stored digital audio/video contents between VCR-ET devices among users not only in home environment but also in business uses. It is obvious that the network is configured as peer-to-peer or client-server).

Regarding claims 21-22, the APA in view of Lang and further in view of Salmonsen discloses the method as discussed in the rejection of claim 13. The combined system further discloses a storage system with removable medium for storing the digitized video signal and the digitized audio signal on a write-once removable medium or on a rewritable removable medium (taught by Lang; Col 3 line 59 through Col 4 line 29, Col 8 lines 30-33 and Col 10 lines 3-9).

Regarding claim 23, all limitations of claim 23 are analyzed corresponding to all functionalities of the system in claim 12. So, claim 23 is rejected on the same rationale as claim 12.

Regarding claim 24, all limitations of claim 24 are analyzed corresponding to all functionalities of the system in claims 17-18. So, claim 24 is rejected on the same rationale as claims 17-18.

Regarding claim 25, all limitations of claim 25 are analyzed corresponding to all functionalities of the system in claim 20. So, claim 25 is rejected on the same rationale as claim 20.

Regarding claims 26-27 and 43, all limitations of claims 26-27 and 43 are analyzed corresponding to all functionalities of the system in claims 21-22. So, claims 26-27 and 43 are rejected on the same rationale as claims 21-22.

Regarding claim 44, all limitations of claim 44 are analyzed and rejected corresponding to claim 12.

Regarding claim 45, all limitations of claim 45 are analyzed and rejected corresponding to claim 13.

Regarding claim 46, all limitations of claim 46 are analyzed and rejected corresponding to claim 22.

Regarding claim 47, the APA discloses in a system (Figure 1 of the APA) including a digital device receiving a program in a digital format, said digital device selectively generating an analog output signal including said program in an analog format (¶ [0020] in the Applicants' specification) and a command signal, said command signal being a wireless signal intended to control an analog device separate from the digital device to cause said analog device to receive and process said analog output (¶ [0003] and ¶ [0021] in the Applicants' specification).

The APA fails to disclose a digitizer and a method comprising: intercepting said command by said digitizer; in response to said intercepted command, receiving said analog output signal including said program in said analog format;
converting said program in said analog format into a program in a digital format;
and presenting said program in a digital format to a storage/distribution device.

Lang discloses a system (Figure 3) for intermediate storage of audio/video program in digital memory to be transferred from one storage medium to another (Col 2 lines 19-23). Lang's system in Figure 3 comprises a VCR-ET 60 (as a "digitizer"), which is separate from AVRU 11 (Col 11 lines 9-11) and an external device, i.e., a TV or another VCR (Col 8 lines 44-50), in response to received command signals from AVRU 11, e.g. record, play, rewind, fast-forward... as the conventional VCR (Col 3 lines 56-58), start/stop a transmission, editing stored programs, etc. according to user's input commands by means of a light pen, a mouse or a keyboard and a control panel (Col 6 lines 62-65, Col 7 lines 4-5, Col 9 lines 14-22 and Col 10 lines 18-20), receives, digitizes and converts an analog program into a digital format and selectively stores or distributes the digitized program to a storage/distribute device (Col 10 lines 3-10, Col 11 lines 24-40 and Col 12 lines 12-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of the APA with a separated digitizer for receiving, digitizing a received program in analog format and selectively storing or distributing the digitized program according to the user's command input signal as taught by Lang, so to provide an effective and efficient means for intermediate digital storage of digitized audio video program to be transferred to another device or to remote locations (taught by Lang; Col 2 lines 19-28).

Salmonsen discloses a system of distributing audio video programs from a content source device to a sink device having an emulator device between the content source and sink devices for intercepting control signals and data signals communicated by the content source device (¶ [0146]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the digitizer of the combined system of the APA and Lang with the capability of intercepting control signals and data signals communicated between the content source device and the sink device as the emulator device taught by Salmonsen, so to provide an improved system of copying an analog program into a digital format in an automatic manner.

Regarding claim 48, the APA in view of Lang and further in view of Salmonsen discloses the method as discussed in the rejection of claim 47. The combined system further discloses an IR blaster coupled to said digital device and generating an IR command signal intended for the analog device (taught by the APA; see IR blaster 112 in the Figure 1 and ¶ [0003] and ¶ [0021] in the Applicants' specification), wherein said digitizer system (see VCR-ET 60 in Figure 3 or digitizer 72 in Figure 4 of Lang) intercepts said IR command (taught by Salmonsen; ¶ [0146]).

Regarding claim 49, the APA in view of Lang and further in view of Salmonsen discloses the method as discussed in the rejection of claim 47. The combined system further discloses storage/distribution device stores said program in a digital format and stores the same (see memory 13 in Figure 3 of Lang).

Regarding claims 50-51, the APA in view of Lang and further in view of Salmonsen discloses the method as discussed in the rejection of claim 47. The combined system further discloses storage/distribution device transmits said program in a digital format to another device separate from said storage/distribution device and said storage/distribution device is integral with said digitizer device (see transceiver 22 in Figure 3 of Lang and Col 10 lines 33-40).

Regarding claim 52, the APA in view of Lang and further in view of Salmonsen discloses the method as discussed in the rejection of claim 47. The combined system further discloses said digitizer receives said program in a digital format over a connector extending to the digital device (taught by Lang; Col 7 line 60 through Col 8 line 18).

Regarding claim 53, the APA in view of Lang and further in view of Salmonsen discloses the method as discussed in the rejection of claim 47. The combined system further discloses said digitizer is coupled to said digital device and analog device by a first and second cable connection respectively further comprising receiving said program in an analog format on said first connection and selectively transmitting said program in said analog format on said second connection to said analog device (see Figure 3 of Lang and Col 11 lines 9-40).

Regarding claim 2, the APA in view of Lang and further in view of Salmonsen discloses the method as discussed in the rejection of claim 47. The combined system further discloses transmitting said program in said digital format over a network to said storage/distribution device (taught by Lang; Col 8 lines 51-68).

Regarding claim 3, the APA in view of Lang and further in view of Salmonsen discloses the method as discussed in the rejection of claim 2. The combined system further discloses sharing the digital representation in a peer-to-peer network configuration (taught by Lang; Col 10 lines 33-40 and Col 12 lines 25-37 for sharing stored digital audio/video contents between VCR-ET devices among users not only in home environment but also in business uses (as "in a peer-to-peer network")).

Regarding claim 4, the APA in view of Lang and further in view of Salmonsen discloses the method as discussed in the rejection of claim 47. The combined system further discloses recording the digital representation onto a digital storage medium (taught by Lang; Col 3 line 59 through Col 4 line 29).

Regarding claim 5, the APA in view of Lang and further in view of Salmonsen discloses the method as discussed in the rejection of claim 4. The combined system further discloses the recording is performed on a transportable digital storage medium (taught by Lang; Col 10 lines 3-9).

Regarding claim 6, the APA in view of Lang and further in view of Salmonsen discloses the method as discussed in the rejection of claim 47. The combined system further discloses compressing said program in a digital format and storing the compressed program (taught by Lang; Col 9 lines 45-48, Col 10 lines 6-9 and Col 11 lines 25-32).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIGI L. DUBASKY whose telephone number is (571)270-5686. The examiner can normally be reached on Monday through Thursday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, KRISTINE L. KINCAID can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GD

/KRISTINE KINCAID/
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